

Message Text

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ORIGIN DLOS-09

INFO OCT-01 AF-10 ISO-00 IO-14 CPR-02 OIC-02 ACDA-12
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DODE-00 DOTE-00 EB-08 EPA-04 SOE-02
DOE-15 FMC-02 TRSE-00 H-02 INR-10 INT-05 JUSE-00
L-03 NSAE-00 NSC-05 NSF-02 OES-07 OMB-01 PA-02
PM-05 SP-02 SS-15 ICA-20 EUR-12 /179 R

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FM SECSTATE WASHDC
TO AMEMBASSY KINSHASA

UNCLAS STATE 142610

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: US VIEWS ON SOVIET PROPOSED AMENDMENT TO DRAFT
ARTICLE 55--NO SOVEREIGNTY OVER THE ECONOMIC ZONE

REF: KINSHASA 5643

1. THE US, DURING INFORMAL MEETINGS DURING THE SEVENTH
SESSION AND AT THE PLENARY ON MAY 19, EXPRESSED ITS VIEWS
CONCERNING THE SOVIET PROPOSED AMENDMENT TO DRAFT ARTICLE
55. ON MAY 19 WE MADE THE FOLLOWING STATEMENT WHICH IS
QUOTED IN PERTINENT PART: QUOTE: IN CONCLUSION, MR.
PRESIDENT, I WOULD LIKE TO BRIEFLY COMMENT UPON ARTICLE 55.
IN LISTENING TO THE REMARKS OVER THE LAST FEW WEEKS IN COM-
MITTEE 2, MY DELEGATION HAS BEEN STRUCK BY THE STRONG
SUPPORT FOR THE PACKAGE THAT IS CONTAINED IN THE ICNT
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REGARDING THE EXCLUSIVE ECONOMIC ZONE. INDEED, WHILE DIF-
FERENT OPINIONS HAVE BEEN STATED REGARDING THE DESIRABILITY
OR NOT OF AN AMENDMENT TO ARTICLE 55, PARAGRAPH 2, THE
RELATIVELY CONSTANT THEME THAT COMES THROUGH IS ONE OF
RECOGNITION OF THE CAREFUL BALANCE THAT HAS BEEN STRUCK IN
THE ICNT. ARTICLE 89 PROVIDES THAT NO STATE MAY VALIDLY
PURPORT TO SUBJECT ANY PART OF THE HIGH SEAS TO ITS

SOVEREIGNTY. UNDER PARA. 2 OF ARTICLE 58, ARTICLES 88 TO 115 APPLY TO THE EEZ IN SO FAR AS THEY ARE NOT INCOMPATIBLE WITH PART V. NOTHING IN PART V IS INCOMPATIBLE WITH ARTICLE 89. AT THE SAME TIME, IT IS CLEAR THAT THE SOVEREIGN RIGHTS AND JURISDICTION OF THE COASTAL STATE ARE NOT PREJUDICED. IT IS NOT OUR INTENTION, IN SUPPORTING THE PROPOSAL OF THE SOVIET UNION, NOR THE INTENT OF THE PROPOSAL TO AMEND ARTICLE 55, PARAGRAPH 2, OF THE SOVIET UNION NOR THAT OF AUSTRIA, THAT THIS BALANCE SHOULD BE UPSET. INDEED, IT IS OUR BELIEF THAT THE ADDITION OF A NO-SOVEREIGNTY CLAUSE IN PARAGRAPH 2 OF ARTICLE 55 WOULD MERELY GIVE POLITICAL PROMINENCE TO A PRINCIPLE WHICH IS BROADLY AGREED TO AT THIS CONFERENCE. THAT AMENDMENT WOULD NOT IN OUR VIEW CHANGE THE LEGAL MEANING OF THE PROVISIONS OF THE ICNT. UNQUOTE. VANCE

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